

REMARKS

The undersigned would like to thank Examiner Al-Hashemi for extending the courtesy of telephonic interviews on 2 January 2003 and again during the past week. On 21 February 2003, the Examiner called the undersigned to note that column 5, lines 25-35 may be more pertinent than the reference to column 11, lines 31-37, in the Advisory Action. Although no final agreement regarding the disposition of these claims was reached during that interview, the undersigned found it helpful in understanding the Examiner's reliance on the sole applied reference.

The present amendment cancels claims 1-51, amends claims 52-62, and adds new claims 63-76. Upon entry of this amendment, claims 52-76 will remain in the application. The amendments to claims 52-62 are insubstantial cosmetic changes and do not narrow the claims in any way.

In an Office Action dated 24 October 2002 in the prior application, the Examiner withdrew claims 52-62 from consideration as being drawn to a non-elected invention and finally rejected claims 1-51, i.e., all claims considered. Although the undersigned believes the Examiner's stated basis for requiring restriction fails to meet the evidentiary burden placed on her by MPEP §806.05(d), which requires that the Examiner provide a specific example of how the subcombination may be used other than in the disclosed combination.

In the interest of advancing prosecution, however, the undersigned now elects to pursue the Examiner's Group II, namely Claims 52-62, which the Examiner characterizes as "drawn to a controlling reproduction." New claims 63-76 all relate to controlling reproduction of an audiovisual work, so they are assumed to fall within the Examiner's Group II. Claims 1-51, which fell under the Examiner's Group I, have been cancelled as being drawn to a non-elected invention, but applicants reserve the right to pursue the subject matter of those claims at a later date. (See MPEP §819 regarding shifting elected inventions in Continued Prosecution Applications.)

Although none of these claims have been considered on their merits, they are believed to patentably distinguish over Abecassis, the sole reference relied on in rejecting claims 1-51 in the prior application. As the present amendment is believed to place the application in condition for allowance, a prompt Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at 206.264.3848.

Respectfully submitted,
Perkins Coie LLP



Edward S. Hotchkiss
Registration No. 33,904

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 583-8888